

ORIGINAL**In the United States Court of Federal Claims***Pro Se*

ROBERT S. DAVIS,)	No. 17-393T
)	(Filed: October 31, 2017)
)	
Plaintiff,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

FILED**OCT 31 2017****U.S. COURT OF
FEDERAL CLAIMS****ORDER**

On August 24, 2017, the government filed a motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6) of the Rules of the Court of Federal Claims (RCFC). Docket No. 15. Mr. Davis did not respond to the government's motion and the Court issued an order to show cause on October 10, 2017. Docket No. 16. On October 25, 2017, Mr. Davis filed a response agreeing with the government's argument that the Court lacks subject matter jurisdiction and stating that "the plaintiff joins the defendant's motion to dismiss." Docket No. 17. He requested that the Court dismiss the case without prejudice pursuant to RCFC 41(a)(2). Id.

Based on the foregoing, Mr. Davis's complaint is hereby **DISMISSED** without prejudice pursuant to RCFC 41(a)(2). The Clerk is directed to enter judgment accordingly. Each side shall bear its own costs.

IT IS SO ORDERED.


ELAINE D. KAPLAN
Judge